CF 546 = 38

4 + 1

CF - 101 / 1007 SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) No. 1319 /2007 S.B.

PETITIONER : Chandu Lal
S/o. Samaliya
Caste- Gond,
aged about- 45 years
R/o.- Dhaurabhata, P.C. No. -21, Tahsil Patan, Distt.- Durg (C.G.)

ISU C.I.T. Santosh Sahu 22/12/07

VERSUS

RESPONDENT 1. Board of Revenue,
Circuit Court, Raipur

RECEIVED COPY 22/12/07 CLERK to A. G. BILASPUR

2. State of Chhattisgarh,
Through: - Revenue,
Secretary, D.K.S. Bhawan
Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR QUASHMENT OF THE ORDER AND TO PASS ANY APPROPRIATE ORDERS OR DIRECTIONS.

OATH COMMISSIONER APARNA MALVIYA CG/2073/98 02404

36
37

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) No. 1319 of 2007

Petitioner Chandu Lal

Versus

Respondents Board of Revenue & another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri C. R. Sahu, Advocate for the petitioner.

Miss Sunita Jain, Panel lawyer for the respondents.

ORDER

(Passed on this 8th day of March, 2007)

The following order of the Court is passed by Satish K. Agnihotri, J.

1. This petition, filed under Article 227 of the Constitution of India, challenges the order dated 14.2.2007 (Annexure P/2) passed by the Board of Revenue, Bilaspur in Appeal No. 05/RA-67/249/2006.
2. The petitioner was found guilty of illegal mining of 486 metric tone of lime stone on the Government land, the mining licence of which was given to Ku. Ansuiya Bai, residence of village- Dhorabhata for the period 4.3.1998 to 3.3.2003. The Mining Inspector, after having visited the site submitted his report on which a show cause notice was served on the petitioner. Accordingly, the Additional Collector, Durg having examind the facts and circumstances of the case order dated 22.2.2004 passed in a Revenue Case No. 79/A-67/2000-01, imposed a penalty of Rs. 38880/-.
3. The petitioner, being aggrieved by the order dated 22.2.2004, preferred an appeal before the Board of Revenue. The Board of Revenue after having considered all the facts and circumstances of the case, upheld the order passed by the Collector and imposition of the penalty under section 247(7) of the Chhattisgarh Land Revenue Code. Accordingly, the appeal filed by the petitioner was dismissed vide impugned order dated 14.2.2007.

4. I have heard learned counsel for the parties and have gone through the documents appended thereto. On perusal I do not find any illegality and infirmity.

5. It is well settled principle of law that this Court while exercising its jurisdiction under Article 227 of the Constitution of India has limited jurisdiction to the extent of reviewing the case, in the event, there is perversity, irregularity or illegality in the process of decision, not in the decision itself.

6. In view of the decision of Hon'ble the Supreme Court in the case of **Surya Dev Rai Vs. Ram Chander Rai and others** { (2003) 6 SCC 675}, it is also well settled principle of law that under Article 227 of the Constitution of India, this Court has jurisdiction of judicial review of the order passed by the Board of Revenue, in the event there is manifest and apparent error on the face of the proceedings based on the clear ignorance or utter disregard to the provisions of law or there is grave failure of justice or grave injustice has occasioned thereby.

7. None of the above grounds are available to the petitioner. The petition is devoid of merit, which deserves to be and is accordingly dismissed, summarily.

Consequently, M(W)P No. 884/2007 stands dismissed.

Sd/-
Satish K. Agnihotri
Judge

Thakur